

State of South Dakota

SEVENTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 1999

690C0692

HOUSE BILL NO. 1195

Introduced by: Representatives Sutton (Duane), Diedtrich (Elmer), Fischer-Clemens, Hennies, Jaspers, Juhnke, McCoy, and Sebert

1 FOR AN ACT ENTITLED, An Act to increase and revise license fees for certain noncommercial
2 vehicles and to revise the distribution of such fees.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-5-6 be amended to read as follows:

5 32-5-6. License fees and compensation on a noncommercial motor vehicle which is an
6 automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the
7 manufacturer's shipping weight, including accessories, as follows:

8 (1) Two thousand pounds or less, inclusive, ~~twenty~~ thirty dollars;

9 (2) From 2,001 to 4,000 pounds, inclusive, ~~thirty~~ forty dollars;

10 (3) From 4,001 to 6,000 pounds, inclusive, ~~forty~~ fifty dollars.;

11 (4) ~~to (11) Repealed by SL 1992, ch 26, § 7~~ From 6,001 to 8,000 pounds, inclusive,
12 seventy dollars;

13 (5) From 8,001 to 10,000 pounds, inclusive, eighty dollars.

14 Section 2. That § 32-5-6.3 be amended to read as follows:

15 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup
16 truck, or van ~~as provided by~~ licensed pursuant to § 32-5-6 shall be determined by the gross

weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

- (1) Eight thousand pounds or less, inclusive, ~~forty-eight~~ fifty dollars;
- (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000 pounds, inclusive, three dollars;
- (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000 pounds, inclusive, six dollars;
- (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000 pounds, inclusive, eighteen dollars;
- (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000 pounds, twenty-four dollars.

It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this section at a gross weight in excess of the gross weight for which it has been licensed.

Section 3. That § 32-5-5 be amended to read as follows:

~~32-5-5. Subject to the provisions of §§ 32-5-17 to 32-5-45, inclusive, license fees and compensation for use of the highways, fees shall be~~ Vehicle license fees provided by this chapter
are based, except as otherwise specifically provided, upon manufacturers' weights, including
accessories. If a noncommercial motor vehicle is an automobile, pickup truck, or van with a
manufacturer's shipping weight, including accessories, of six ~~ten~~ thousand pounds or less, the
license fees for such a motor vehicle shall be as provided by § 32-5-6. However, if the
noncommercial motor vehicle is a pickup truck that weighs more than six thousand pounds, the
owner has the choice of paying the license fees pursuant to § 32-5-6 or paying the license fees
based on the gross weight of the motor vehicle as provided in § 32-5-6.3. The license fees for
a noncommercial motor home are as provided by § 32-5-6.1. The license fees for motorcycles
~~shall be a motorcycle are~~ as provided by § 32-5-9. The license fees for snowmobiles shall be a
snowmobile are as provided by § 32-5-9.1. The license fees for any other noncommercial motor

vehicle ~~shall be~~ are based on the gross weight of the motor vehicle and are as provided in § 32-5-6.3. If the department determines the actual dry weight of any model vehicle with accessories to be at variance with the manufacturers' shipping weight, the department shall certify the correct weight to be used in determining fees.

These fees shall be paid annually to the county treasurer, ~~and shall be as provided by this chapter.~~

Section 4. That § 32-5-8 be amended to read as follows:

32-5-8. License fees and compensation for any recreational vehicle as defined in § 32-3-1 or for any noncommercial trailer and semitrailer, for use of the highways payable under § 32-5-5 and pulled by a noncommercial motor vehicle on which the license fees were paid pursuant to § 32-5-6, shall be determined upon the basis of their actual weight as follows:

- (1) One thousand pounds or less, inclusive, ~~five~~ twenty dollars;
- (2) From 1,001 to 2,000 pounds, inclusive, ~~fifteen~~ thirty dollars;
- (3) From 2,001 to 3,000 pounds, inclusive, ~~twenty-five~~ forty dollars;
- (4) From 3,001 to 4,000 pounds, inclusive, ~~thirty-five~~ fifty dollars;
- (5) From 4,001 to 5,000 pounds, inclusive, ~~forty-five~~ sixty dollars;
- (6) From 5,001 to 6,000 pounds, inclusive, ~~fifty-five~~ seventy dollars;
- (7) From 6,001 to 7,000 pounds, inclusive, ~~sixty-five~~ eighty dollars;
- (8) From 7,001 to 8,000 pounds, inclusive, ~~seventy-five~~ ninety dollars;
- (9) From 8,001 to 9,000 pounds, inclusive, ~~eighty-five~~ one hundred dollars;
- (10) From 9,001 to 10,000 pounds, inclusive, ~~ninety-five~~ one hundred ten dollars;
- (11) For each additional 1,000 pounds or major fraction thereof, in excess of 10,000 pounds, ten dollars.

Any trailer or semitrailer licensed pursuant to this section may be pulled by a noncommercial motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor vehicle if the

motor vehicle is registered at a gross weight to cover the weight of the trailer and its load.

Section 5. That § 32-5-8.1 be amended to read as follows:

32-5-8.1. Each trailer or semitrailer pulled by a noncommercial motor vehicle on which the license fees were paid pursuant to § 32-5-6.3 shall have an identification plate displayed in a conspicuous manner. The fee for the identification plate is ten dollars. The identification plate is valid for the useful life of the trailer or semitrailer. However, if the title to the trailer or semitrailer is transferred, the new owner shall within thirty days of the date of transfer make application to the department for a new identification plate. All revenue raised by the fees shall be placed in the license plate special revenue fund. However, no identification plate may be displayed on a recreational vehicle as defined in § 32-3-1. Such a recreational vehicle shall be licensed pursuant to § 32-5-8.

Section 6. That § 32-5-6.1 be amended to read as follows:

~~32-5-6.1. License fees and compensation on recreational motor buses as defined by this section shall be determined pursuant to § 32-5-6.3. However, the maximum license fee and compensation for a recreational motor bus shall be one hundred dollars. For the purposes of this section the term, recreational motor bus, means a motor bus which has been converted for recreational purposes subsequent to the initial retail sale.~~ License fees for any noncommercial motor home shall be determined by the manufacturer's shipping weight, including accessories, as follows:

- (1) Two thousand pounds or less, inclusive, forty dollars;
- (2) From 2,001 to 4,000 pounds, inclusive, sixty dollars;
- (3) From 4,001 to 6,000 pounds, inclusive, eighty dollars;
- (4) From 6,001 to 8,000 pounds, inclusive, one hundred dollars;
- (5) From 8,001 to 10,000 pounds, inclusive, one hundred twenty dollars;
- (6) From 10,001 to 11,000 pounds, inclusive, one hundred thirty-six dollars;

1 (9) From 11,001 to 12,000 pounds, inclusive, one hundred fifty-two dollars;

2 (10) From 12,001 to 13,000 pounds, inclusive, one hundred sixty-eight dollars;

3 (11) For each additional 1,000 pounds or major fraction thereof, in excess of 13,000
4 pounds, thirty-two dollars.

5 For the purposes of this section, a motor home is a vehicle designed to provide temporary
6 living quarters for recreational, camping, or travel use, built on or permanently attached to a self-
7 propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the
8 completed vehicle.

9 Section 7. That § 32-6B-21 be amended to read as follows:

10 32-6B-21. The department shall issue metal numerical license plates to licensed dealers upon
11 application and payment of a ~~thirty~~ sixty dollar yearly fee to be paid at the time of the annual
12 review date for each set desired. Such fees shall be distributed in the manner specified in
13 §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be numbered
14 consecutively and shall bear as a prefix the number 77. The plates may be issued for a multiple
15 year period. If a dealer's license is revoked or canceled or the dealer goes out of business the 77
16 plates shall be returned to the department. If any person operates a motor vehicle with 77 plates
17 after the dealer license is revoked or canceled or after the dealer goes out of business, or if the
18 person refuses to return the plates, the person is guilty of a Class 2 misdemeanor.

19 Section 8. That § 32-11-4.1 be amended to read as follows:

20 32-11-4.1. All funds collected for motor vehicle licenses in each county shall be distributed
21 in the following manner:

22 (1) Fifty-four percent of all funds collected shall be transmitted to the secretary of
23 revenue and credited to the local government highway and bridge fund;

24 (1A) ~~Twenty-two~~ Twenty-four and one-half percent shall be credited to the general fund
25 of the county in which they were collected;

(2) Fourteen percent shall be retained by the county and placed in a fund to be known as the special highway fund, which shall be used for the construction, reconstruction, and maintenance of roads and bridges in the county as provided by this section and §§ 32-11-5 to 32-11-9, inclusive. If the county in which funds are collected for motor vehicle licenses has completed the construction of the county highway system, the entire amount in the special highway fund shall be used for township roads, and the board of county commissioners may direct the county auditor to pay the collected amount directly to the townships pursuant to §§ 32-11-6 and 32-11-7;

(3) Five percent shall be forwarded to the municipalities within the counties in the following proportions: each municipality within each county shall receive funds in the proportion which the total street mileage of each municipality bears to the total street mileage of all the municipalities within the county. The apportionment shall be made quarterly by the county commissioners at the first meeting in January, April, July, and October. In any county having no municipalities, the five percent collection shall be placed in the county road and bridge fund of the county;

(4) ~~Two~~ One percent shall be credited to the state motor vehicle fund; and

(5) ~~Two~~ One and one-half percent shall be credited to the state license plate special revenue fund.

Section 9. That § 32-11-29 be amended to read as follows:

32-11-29. The following fees:

(1) Fees collected under §§ 32-3-57, 32-5-99, 32-5-111, and 32-7A-14.1;

(2) The ~~two percent~~ of motor vehicle license collections referred to in ~~§ 32-11-4.1~~ subdivision 32-11-4.1(4);

(3) The title fees collected under §§ 32-3-18 and 32-3-27;

shall be credited to the state motor vehicle fund. All revenues not appropriated from the special

revenue fund established by § 32-5-10.2 shall remain in the fund for the next fiscal year and be used solely for purposes of motorcycle safety courses and motorcycle safety education.

Section 10. That § 32-5-6 be amended to read as follows:

32-5-6. License fees and compensation on a noncommercial motor vehicle which is an automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the manufacturer's shipping weight, including accessories, as follows:

- (1) Two thousand pounds or less, inclusive, ~~twenty~~ thirty-five dollars;
- (2) From 2,001 to 4,000 pounds, inclusive, ~~thirty~~ fifty dollars;
- (3) From 4,001 to 6,000 pounds, inclusive, ~~forty~~ sixty dollars;
- (4) ~~to (11) Repealed by SL 1992, ch 26, § 7~~ From 6,001 to 8,000 pounds, inclusive, eighty dollars;
- (5) From 8,001 to 10,000 pounds, inclusive, ninety dollars.

Section 11. That § 32-5-6.3 be amended to read as follows:

32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup truck, or van ~~as provided by~~ licensed pursuant to § 32-5-6 shall be determined by the gross weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

- (1) Eight thousand pounds or less, inclusive, ~~forty-eight~~ sixty dollars;
- (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000 pounds, inclusive, three dollars;
- (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000 pounds, inclusive, six dollars;
- (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000 pounds, inclusive, eighteen dollars;
- (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000 pounds, twenty-four dollars.

1 It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this
2 section at a gross weight in excess of the gross weight for which it has been licensed.

3 Section 12. The effective date of sections 10 and 11 of this Act is July 1, 2000.

4 Section 13. That § 32-5-6 be amended to read as follows:

5 32-5-6. License fees and compensation on a noncommercial motor vehicle which is an
6 automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the
7 manufacturer's shipping weight, including accessories, as follows:

8 (1) Two thousand pounds or less, inclusive, ~~twenty~~ forty dollars;

9 (2) From 2,001 to 4,000 pounds, inclusive, ~~thirty~~ sixty dollars;

10 (3) From 4,001 to 6,000 pounds, inclusive, ~~forty~~ seventy dollars.;

11 (4) ~~to (11) Repealed by SL 1992, ch 26, § 7~~ From 6,001 to 8,000 pounds, inclusive,
12 ninety dollars;

13 (5) From 8,001 to 10,000 pounds, inclusive, one hundred dollars.

14 Section 14. That § 32-5-6.3 be amended to read as follows:

15 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup
16 truck, or van ~~as provided by~~ licensed pursuant to § 32-5-6 shall be determined by the gross
17 weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

18 (1) Eight thousand pounds or less, inclusive, ~~forty-eight~~ seventy dollars;

19 (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000
20 pounds, inclusive, three dollars;

21 (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000
22 pounds, inclusive, six dollars;

23 (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000
24 pounds, inclusive, eighteen dollars;

25 (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000

1 pounds, twenty-four dollars.

2 It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this
3 section at a gross weight in excess of the gross weight for which it has been licensed.

4 Section 15. The effective date of sections 13 and 14 of this Act is July 1, 2001.

5 Section 16. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Beginning on July 1, 2002, and on July first each year thereafter until July 1, 2012, the
8 amount of each license fee listed in §§ 32-5-6, 32-5-6.3, 32-5-8, 32-5-6.1, and 32-6B-21 shall
9 increase by an index factor. The index factor is the annual percentage change in the consumer
10 price index for urban wage earners and clerical workers as computed by the Bureau of Labor
11 Statistics of the United States Department of Labor for the year immediately preceding the year
12 in which the license fees are payable or three percent, whichever is less.